

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIRRELL LEWIS,

Defendant.

CR 21-68-BLG-DLC

ORDER

On December 16, 2021, the Court held a hearing on a letter (Doc. 19) sent by the Warden of FDC SeaTac regarding the competency proceedings of Defendant Tirrell Lewis. (Doc. 21.) In the letter, the Warden of FDC SeaTac notifies the Court that Mr. Lewis arrived at the facility on November 4, 2021, but that based on modified operations implemented to combat the spread of COVID-19, the ability of the facility to perform the necessary competency evaluation has been impacted and the facility is currently “unable to provide specific information as to timelines regarding completion of the evaluation and report.” (Doc. 19 at 1.) The Court will construe this letter as a request for extension of time under 18 U.S.C. § 4247(b).

The Court appreciates the administrative difficulties facing FDC SeaTac in attempting to stop the spread of COVID-19 but must remain faithful to the

temporal limitations imposed by statute. As noted in its prior Order, this Court has commenced competency proceedings pursuant to 18 U.S.C. § 4241. (Doc. 18 at 1–2.) When such proceedings are initiated, a defendant may only be committed to the custody of the Attorney General for 30 days. 18 U.S.C. § 4247(b). The Court may afford the “director of the facility” accomplishing the requisite competency evaluation “a reasonable extension . . . not to exceed fifteen days.” *Id.*

Mr. Lewis has been at FDC SeaTac since November 4, 2021. (Doc. 19 at 1.) This means the 30-day commitment limitation expired on December 4, 2021. A 15-day extension would permit Mr. Lewis’ commitment to extend to December 19, 2021. Because that date is rapidly approaching, the Court will afford the Warden of SeaTac a 15-day extension from December 19, 2021. This will extend the deadline for accomplishing the necessary competency evaluation to January 3, 2022. If the Warden is unable to meet this deadline, a letter shall be transmitted to the Court requesting an additional extension of time. The parties confirmed on the record they are comfortable with this approach as opposed to an open-ended extension.

Accordingly, IT IS ORDERED that FDC SeaTac shall have until on or before January 3, 2022, to perform the necessary psychological examination and submit the required report. (*See* Doc. 18 at 1–2.) If FDC SeaTac is unable to meet this deadline, it shall seek an extension of time from this Court. The Court is

sympathetic to the difficulties currently facing FDC SeaTac but notes that some sort of anticipated timeline for completing a competency evaluation and report would be helpful in any future requests for extensions.

IT IS FURTHER ORDERED that all time from the date of the Court's previous Order commencing competency proceedings until such proceedings are concluded is excluded from any calculation under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(1)(A), even if such time extends beyond the 45-days authorized by 18 U.S.C. § 4247(b). *United States v. Miranda*, 986 F.2d 1283, 1285 (9th Cir. 1993).

DATED THIS 17th day of December, 2021.



Dana L. Christensen, District Judge
United States District Court